

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEMATECH HOLDINGS LLC,

Plaintiffs,

-v-

TOTVS LARGE ENTERPRISE TECNOLOGIA S.A.
f/k/a BEMATECH S.A., et al.,

Defendants.
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22-CV-7873 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

For reasons the Court will explain orally at the conference referenced below, Defendants' motion to dismiss for failure to state a claim is GRANTED as to the following claims:

- Bematech's breach claims relating to the patent infringement and workers compensation lawsuits;
- Bematech's claims regarding the non-compete provision to the extent that they relate to competition in Brazil, Argentina, Paraguay and Uruguay;
- Bematech's claim for breach of the covenant of good faith and fair dealing;
- Bematech's negligent misrepresentation claim; and
- Bematech's declaratory judgment claim.

The motion to dismiss is otherwise DENIED.

Defendants shall answer the remaining claims in the Complaint **within fourteen days** in accordance with Rule 12(a)(4)(A) of the Federal Rules of Civil Procedure. In addition, the parties shall appear for a telephonic initial pretrial conference on **September 12, 2023, at 4:15 p.m.** In accordance with the previously filed Notice of Initial Pretrial Conference, *see* ECF No.


8, the parties shall file a joint letter and proposed Case Management Plan by the **Thursday before the initial pretrial conference.**

To access the conference, counsel should call 888-363-4749 and use access code 5421540#. Members of the press and public may call the same number, but will not be permitted to speak during the conference. The parties are reminded to follow the procedures for teleconferences described in the Court's Individual Rules and Practices for Civil Cases, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. Among other things, those procedures require counsel to provide advance notice of who will participate in the conference and the telephone numbers they will use to participate.

The Clerk of Court is directed to terminate ECF No. 14.

SO ORDERED.

Dated: August 23, 2023
New York, New York



JESSE M. FURMAN
United States District Judge